

04 NCAC 24F .0107 is proposed for adoption as follows:

**04 NCAC 24F .0107      TIMELINESS EXCEPTION**

Timeliness sanctions shall be waived by the Board of Review or its designee when the Board of Review, DES, or an agent state representative gives misleading information on appeal rights to a party, if the party:

- (1) establishes what he or she was told was misleading and how he or she was misled pursuant to 04 NCAC 24F .0106;
- (2) identifies, if possible, the individual who misled him or her; and
- (3) no written instructions contrary to the misleading information were provided by the Board of Review or DES to the party with service of the decision being appealed.

History Note: Authority G.S. 96-4; 96-15; 96-15.3;

Eff. July 1, 2018.